HIGH COURT OF CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT PETITION NO. 1038 OF 2002

PETITIONER — Dr. (Smt) Shobha Rajput, aged 52 years, w/o. Late Shri P.S. Rajput, Medical Officer, Dist. Hospital, Durg, CG.

Versus

RESPONDENTS

1) State of Chhattisgarh through the Secretary, Health Department, D.K.S. Bhawan, Raipur, CG.

2) Chief Medical Officer, Dist. Durg, CG.

3) Civil Surgeon/Supdt. Dist. Hospital, Durg. CG.

PRESENT:

Shri N.L. Shrivastava, counsel for the petitioner.
Shri A.S. Kachhawaha, Govt. Advocate for the respondents/State.

ORAL ORDER
(Passed on 15th March, 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

The petitioner before us is a lady Doctor who was working in District Hospital, Durg. She was transferred from that place to a different place by her employer. Aggrieved by the said transfer order, she was before the Tribunal by filing an application i.e., O.A.No. 446/2002. The Tribunal had rejected

43

the application so filed by the applicant/petitioner. Aggrieved by that order, the petitioner is before this Court. This Court while entertaining this petition, had granted an interim order of stay, staying the order passed by the Tribunal. By virtue of interim order passed by the Court, the petitioner continued to work as a Doctor in District Hospital at Durg.

2) The allegation made in the application was that she was transferred frequently from one place to another and thereby she was put to inconvenience. This assertion of the applicant/petitioner was not accepted by the Tribunal by relying upon certain decisions of the Apex Court, wherein it is stated that employer has right to transfer an employee due to exigency of the service.

3) We need not have to look into the correctness or otherwise of the said order passed by the Tribunal. For the reason that this Court in the writ petition filed by the petitioner had stayed the orders passed by the Tribunal, the petitioner continued to work in District Hospital at Durg.

4) The matter is of the year 2001 and more than five years have elapsed and it is now for the employer either to retain her in the same place where she was working or to transfer her to some other place. Therefore, the following;

Order

1) The petition is disposed of.
2) At this stage, it may not be necessary to go into the merits or demerits of the orders passed by the Tribunal.

3) It is now for the authorities to pass appropriate orders either to retain her in the same place or transfer her to a different place. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastava
Judge